

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

November 19, 2014

The North Ogden Planning Commission convened in a regular meeting on November 19, 2014 at 6:30p.m. in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on November 14, 2014. Notice of the annual meeting schedule was published in the Standard-Examiner on January 24, 2014.

COMMISSIONERS:

Eric Thomas	Chairman
Don Waite	Vice-Chairman
Scott Barker	Commissioner
Joan Brown	Commissioner
Blake Knight	Commissioner (excused)
Steven Prsbrey	Commissioner
Dee Russell	Commissioner

STAFF:

Gary Kerr	Building Official
Robert O. Scott	City Planner
Craig Call	City Attorney
Stacie Cain	Community Dev. Coord./Deputy City Recorder

VISITORS:

Lewis G Barker	Gay Belle Barker	Julie Anderson	Don Jensen
Natanya Jensen	Paula Weloth	Penny Dean	Christophe Dean
Craig Tingey	Dale Anderson	Rick Kearl	Newell Marsden
Tiffany Turner	Dennise Dixon	Dave Dixon	Krystal Madsen
Mitchell Fielding	Alan Glass	Colleen Glass	Lee Muirbrook
Dave Larsen	Becky Larsen	Kurt Trane	Karle Hawks
Donald Manley	Zane Judkins	Lisa Child	Mary Barker
Ann Barker	Rachel Trotter		

REGULAR MEETING

Chairman Thomas called the meeting to order at 6:32 p.m. Commissioner Brown offered the invocation and led the audience in the Pledge of Allegiance.

ACTIVE AGENDA

1. PUBLIC COMMENTS.

There were no public comments.

2. PUBLIC HEARING TO RECEIVE COMMENTS TO REZONE PROPERTY, LOCATED AT APPROXIMATELY 950 E 2675 N, FROM RESIDENTIAL RE-20 TO RESIDENTIAL R-1-8

A staff memo from City Planner Scott explained when the Planning Commission is acting as a recommending body to the City Council, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes. The applicant is requesting that the property located at approximately 2700 North and 900 East be rezoned from Suburban Estate RE-20 to Single Family Residential R-1-8. The rezone is in anticipation of submitting a subdivision application. The applicant's proposed subdivision is designed for lots ranging in size from 9,000 square feet to 21,000 square feet necessitating the rezone request. The General Plan calls for "All development in the community should be built on land suitable for the intended use." Additionally, "A variety of housing opportunities should be available to the citizens of the City. Quality residential development will be measured by design, maintenance, preservation of community resources, and open space."

The Zoning and Land-Use Policy includes guidelines for how zoning changes should be considered: General Guidelines

1. A definite edge should be established between types of uses to protect the integrity of each use.

Staff comment: The proposed subdivision provides for defined edges with the easterly parcel which borders the R-1-8 zone Fawn Hollow and Deer Hollow subdivisions. The westerly parcel has an existing home; all properties along 850 East are developed with half acre minimum lots. The roadway design for this subdivision is going to be modified to connect to 850 East. This should provide a sufficient buffer to the existing 850 East properties.

2. Zoning should reflect the existing use of property to the largest extent possible, unless the area is in transition.

Staff comment: This area is in transition from agricultural to urban uses, primarily single family subdivisions.

3. Where possible, properties which face each other, across a local street, should be the same or similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.

Staff comment: This neighborhood has R-1-8 zoning on the periphery with RE-20 in the middle. The lots along 850 East can be sized to be consistent with the existing RE-20 lots.

4. Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines.

Staff comment: The petition will have all properties in the same zone.

Residential Guidelines

8. Avoid isolating neighborhoods.

Staff comment: The proposed subdivision is in an area of transition. The street layout provides for appropriate connections that will provide connectivity to other neighborhoods. The General Plan map calls for this property to be developed as single family residential, low density. Both RE-20 and R-1-8 zones are allowed in this designation.

The memo provided the following summary of potential Planning Commission considerations: is the proposal consistent with the General Plan?; does the proposal meet the North Ogden Zoning ordinance standards?; how does the proposal relate to the Zoning and Land-Use Policy for evaluating zoning requests?; is the R-1-8 request appropriate for this neighborhood?

The memo concluded by offering a staff recommendation. This is a policy decision; the General Plan allows for both the RE-20 zone classification and the R-1-8 classification for this property. If the Planning Commission determines that the R-1-8 zone is appropriate; the Commission can find that the application is consistent with the North Ogden General Plan and recommend approval to the City Council. The proposed lots near 850 East should be designed to be similar in size to the current lots.

Mr. Scott reviewed his staff memo and indicated that the noticing for this public hearing was not sufficient. He suggested the Planning Commission hold the public hearing tonight as well as continue it to a future meeting to allow for sufficient noticing before an action is taken.

Commissioner Brown made a motion to open the public hearing at 6:44 p.m. Vice-Chairman Waite seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Brown	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

Applicant Mitch Fielding stated he works for Jack Fisher homes, formerly operating as Walker Homes. He noted he has received feedback that the public is concerned that townhomes or apartments will be built upon the subject property, but he stated that type of development is not allowed in the zoning designation he is seeking and it is not his intention to build such a development whatsoever. He stated the north parcel and southwest parcel will be combined into one and developed for a single family community, with the option for moderate income homes to be added at a later time. He reviewed a draft design for the project and identified the access points to the subject property, noting that after hearing about public concern regarding the

project he agreed to alter connectivity and increase buffer areas between the subject property and adjoining properties. He noted all work will be compliant with City Code and he only plans to divide the property into 21 or 22 lots at this point. He briefly reviewed the proposed infrastructure and utility connections, after which he noted it is not his intent to create a development that is out of the ordinary or completely different in the neighborhood; he feels the project will provide a large benefit for the community and there is similar zoning immediately to the east of the subject property and he intends for his subdivision to be very similar to the subdivision located on that property. He stated he would like to proceed with site development and then move forward with the subdivision process before making the decision whether to build all homes internally or sell lots to individuals or other developers. He noted any design standards or restrictions can be placed upon the types of homes built on the property.

Vice-Chairman Waite stated there is a steep gully on the subject property and he inquired as to how that feature will affect the slope of lots on the east side of the development. Mr. Fielding stated he has worked with his engineer to design lots in the area and there has been a focus on increasing the size of the lots on the east side of the project to offset the slopes in the area. Vice-Chairman Waite stated that nearby property owners are concerned about things being thrown in the gully. Mr. Fielding stated the property owners abutting the gully would be required to maintain it and there could be a restriction recorded against the property to require that.

Ann Barker, 1018 E. 2700 N., stated she is wondering how the development will impact the wildlife in the area given that the subject property is something of a wildlife corridor that houses many deer and other wildlife.

Newell Marsden, 2679 N. 950 E., stated that he lives on a corner lot on the street that dead-ends into the Chatelain property; he has had conversations with most of the residents on 950 East and their main concern is providing a second entrance/exit to the project so that all traffic is not forced to use 950 East to access the property. He stated he is encouraged by the fact that the homes to be built on the property will match those constructed in a nearby development. He reiterated multiple entrance/exit points to the property will improve safety and access for emergency responders and snow plows

Tiffany Turner, 2673 N. 950 E., stated she is wondering if the applicant will be required to have a final plan for the development before it can receive approval on December 3. Chairman Thomas stated the applicant is only requesting a rezone of the property at this point and that action does not require final plans or drawings for the development. He stated any plans being discussed at this point are purely conceptual in nature. Ms. Turner then stated that some of the lots on the plan Mr. Fielding presented are odd shaped and very small and she inquired as to the smallest lot size on the property. Chairman Thomas stated the zoning designation being requested allows for a minimum lot size of 8,000 square feet and they must have at least 80 feet of frontage. He concluded that if the rezone is granted, the applicant will be required to follow the development application process, which includes several steps of approval of the design and plans for the project.

Don Manley, 2668 N. 850 E., stated that his home will become a corner lot if the proposed development is approved. He added he has concern for the people living on both sides of the

gully in the area because there is a lot of water that comes out of the gully on occasion and he hopes there will be an easement to protect the run off area or that work be performed to contain the water by way of piping. He stated he is also concerned about the residents living downhill from the development and wants to be assured that all infrastructure, such as sewer and water lines, is designed and installed in an appropriate manner to avoid flooding the properties downhill.

Penny Dean, 889 E. 2750 N., stated her backyard will face the proposed subdivision. She indicated she noticed that in the report that was filed for this agenda item that the lots on 850 East will be required to match as close as possible the yard sizes of the existing homes, but she wondered why the same provision is not being made for the lots on 2750 North. She stated she bought her property 15 years ago because of the open space behind it and the view of the City and the additional homes, specifically those to be built on lots 5, 6, 7, and 8 will minimize her view of the City and she asks that the applicant keep existing property owners in mind and, if possible, make the lot sizes larger so that neighbors are not living on top of one another.

Commissioner Barker made a motion to continue the public hearing to December 3, 2014. Commissioner Prisbrey seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Brown	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

3. DISCUSSION AND/OR RECOMMENDATION TO REZONE PROPERTY, LOCATED AT APPROXIMATELY 950 E 2675 N, FROM RESIDENTIAL RE-20 TO RESIDENTIAL R-1-8

Chairman Thomas offered Mr. Fielding the opportunity to respond to the comments made during the public hearing. Mr. Fielding stated that he will work with his engineer and the City Engineer to ensure compliance with City Code's relative to the extension of 950 East. He addressed the issue of water drainage in the gully and noted his engineer is very focused on that issue and he is open to suggestions regarding an easement to protect the watershed area. He added he will do his best to make the existing residents near the subject property happy and many issues that were discussed this evening are still undecided.

Chairman Thomas noted he has confidence that the City Engineer will review the plans for the development to ensure that the watershed area is protected. He reiterated the public hearing will

continue on December 3, after which the Planning Commission may make a decision regarding the rezone application.

4. DISCUSSION AND/OR ACTION TO APPROVE A CONDITIONAL USE PERMIT FOR AN ONSITE SUBDIVISION SIGN, LOCATED AT APPROXIMATELY 775 E 1700 N

A staff memo from City Planner Scott explained when the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria. The applicant is requesting the approval of a Conditional Use Permit to place an onsite subdivision advertising sign for the Lewis Peak subdivision. This use requires a conditional use permit. The applicant has submitted a site plan and diagram showing the location at the corner of 1700 North and 755 East. The sign is 30 square feet and will meet the site distance triangle. The memo reviewed the applications compliance with City ordinances as follows:

11-22-10: ON SITE SUBDIVISION ADVERTISING SIGNS

- A. Permit: A conditional use permit is required to place signs advertising a subdivision in a residential zone.
- B. Size: No sign shall exceed thirty two (32) square feet in size.
- C. Height: No sign shall exceed five feet (5') in height.
- D. Time Limit: The length of time on site subdivision advertising signs may be permitted may be determined by the planning commission. If no time limit is established, all such signs shall be removed upon the completion of the initial sale of a house or lot of the subject subdivision.

11-14-5: BASIS FOR ISSUANCE OF CONDITIONAL USE PERMIT:

The planning commission shall not authorize a conditional use permit unless evidence is presented to establish:

- A. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general wellbeing of the community. Staff comment: The zoning ordinance allows this type of sign to advertise subdivision lots.
- B. Such use will not, under the circumstances of the particular case and the condition imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property and improvements in the community, but will be compatible with and complementary to the existing surrounding uses, buildings and structures. Staff comment: The use is compatible with the surrounding properties and is not out of character with other subdivision advertising.
- C. The proposed use will comply with the regulations and conditions specified in this title for such use. Staff comment: The application conforms to the zoning ordinance.
- D. The proposed use conforms to the goals, policies and governing principles of the master plan for the city. (Ord. 2002-07, 5-28-2002) Staff comment: The application is consistent

with the General Plan; see comment below. The request is to have the sign until all of the lots are sold.

The memo also reviewed the application's conformance to the General Plan, noting the above described application conforms to the North Ogden City General Plan due to its being compliant with city ordinances and the following Plan goal: All existing and new development should be required to fairly and uniformly provide improvements according to city standards. Staff recommended the following Planning Commission considerations:

- Does the proposed use meet the requirements of the applicable City Ordinances?
- Are there any potentially detrimental effects that need to be mitigated by imposing conditions of approval; and if so, what are the appropriate conditions?

The memo concluded staff recommends approval of this application subject to the sign being removed once all of the lots within the subdivision are sold.

Mr. Scott reviewed his staff memo.

Commissioner Brown stated that the concerns she has heard regarding this sign in the past is that it is located so far away from the homes and lots that are available for sale; the question is whether the sign is truly an on-site sign or if it is too far away from the location for sale. Mr. Scott noted City ordinance requires that the sign be located upon the property that is for sale and in this case it will be. He added that the applicant will be required to install the sign in compliance with City Code provisions pertaining to the defined sight triangle.

Commissioner Brown inquired as to the length of time the applicant anticipates it will take to sell the lots. Rick Kearl, applicant, stated that property available for sale sits back in from the road and the sign will advertise the availability of lots off of 755 East. He stated he has permission from the nearby homeowners association to install the sign in the proposed location. He stated he is unsure the length of time he will need the sign as there is no way to determine how long it will take to sell the lots.

Commissioner Prisbrey made a motion to approve a conditional use permit for an onsite subdivision sign, located at approximately 775 E. 1700 N. Commissioner Brown seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Brown	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

5. DISCUSSION AND/OR ACTION TO APPROVE A SITE PLAN APPLICATION FOR IHC, LOCATED AT APPROXIMATELY 2400 N WASHINGTON BLVD

A staff memo from City Planner Scott explained when the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria. The applicant is requesting the approval of an amendment to the landscape plan to remove some of the crab apple trees along the frontage of Washington Boulevard and 2300 North. There are 27 trees on the south side of the Washington Boulevard driveway and the request is to remove 18 of the trees. There are 12 trees north of the driveway and the request is to remove 8 trees for a total of 26 trees being removed. The total number of trees remaining would be 13. The standard for parking lot landscaping is 1 tree for each 10 stalls. There are 215 parking stalls. The requirement is for a total of 22 trees. There are sufficient trees onsite to meet these standards. The memo reviewed the application's compliance with the City's zoning ordinance as follows:

The Planning Commission will be considering how this proposal meets the North Ogden City Zoning Ordinance:

11-8 (Commercial Zone C-2) - Professional office is a permitted use in the C-2 zone.

11-10-27 (Site Plan Approval Required)

The North Ogden Clinic request is required to be reviewed by the Planning Commission. The August 29, 2014 letter provides the reasoning behind this request.

- The mature crabapple trees are mature and the canopies are overgrown.
- The trees are blocking the view of the building and patients are inconvenienced.
- The crabapple tree canopies are over 30 feet wide and entangled. Thinning will allow the trees to be properly maintained.
- The removal will make a more attractive landscape for the site.

The above described application conforms to the North Ogden City General Plan due to its being compliant with the spirit of city ordinances and the following Plan goal: All existing and new development should be required to fairly and uniformly provide improvements according to city standards.

The memo summarized the potential Planning Commission considerations:

- Does the proposed use meet the requirements of the applicable City Ordinances?
- Where will the needed 9 trees be planted?

The memo concluded the staff recommendation is to approve the North Ogden Clinic application to remove 26 crab apple trees.

Mr. Scott reviewed his staff memo. The Planning Commission briefly reviewed photographs of the property to understand the location of the trees to be removed.

Chairman Thomas stated that he feels the application should be approved as the applicant is still providing the number of trees required by City ordinance; he feels residents and businesses should have the ability to make changes to their landscaping plans as needed, especially if a tree is overgrown and causing a negative impact on the property.

Commissioner Brown stated she visited the property and she drives by it frequently and she has never thought that the trees make it difficult to see the building. She stated she feels the number of trees proposed for removal is excessive and it may be more appropriate to prune the trees on the site.

Vice-Chairman Waite made a motion to approve a site plan application for IHC, located at approximately 2400 N. Washington Boulevard. Commissioner Prisbrey seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Brown	no
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

6. PUBLIC COMMENTS

Julie Anderson, 940 E. 2600 N., thanked the Planning Commission for extending the Public Hearing for the rezone of the property on 2700 North. The extension will give everyone the opportunity to express their feelings about the project, regardless of what side of the issue they are on. She stated she is hopeful everyone will receive proper notification of the application. Chairman Thomas stated the proper notification process will be followed.

Dale Anderson, 940 E. 2600 N., stated he came to the meeting tonight prepared to provide the Planning Commission with a presentation regarding the rezone application, but there is no way for him to provide that information on the overhead used for this meeting. He stated it would be nice for attendees of the meeting, including the applicants, to plug in a laptop or flash drive to provide a presentation to the Planning Commission. Ms. Cain stated that Mr. Anderson can email his presentation to her and she can make sure it is available for review during the December 3 meeting. Mr. Anderson stated he will do that. He then added that he is likely the reason that the recommendation was made to postpone action on the item because he did not receive notice of the application until yesterday via a phone call at his place of business.

7. PLANNING COMMISSION/STAFF COMMENTS

Mr. Scott provided the Planning Commission with an update regarding the process to update the City's General Plan.

Commissioner Prisbrey inquired as to whether there has been any commercial interest in the old Smith's building. Mr. Scott answered yes and noted he met with a potential buyer recently who is still negotiating with Smith's. Their redevelopment concept is to divide the old building into five or six different spaces and build an additional new building on the site.

Vice-Chairman Waite stated that he lives very close to the property subject to the rezone application considered earlier in the meeting. He stated it is his understanding that many of the residents received notification on different days and in different manners. He then stated that he has heard many concerns about the disturbance of the wildlife habitat in the area. Commissioner Russell stated he has heard the same concerns.

8. ADJOURNMENT

Commissioner Brown made a motion to adjourn the meeting. Commissioner Prisbrey seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Brown	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

The meeting adjourned at 7:36 p.m.

Planning Commission Chair

Stacie Cain,
Community Dev. Coord./Deputy City Recorder

Date approved